

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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IN VIRTUAL COURT

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**CRM-M No. 24559 of 2020
Date of decision : 12.10.2020**

Sumit Tomar and another **.....Petitioners**

Vs.

State of Haryana **.....Respondent**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. G.C. Shahpuri, Advocate, for the petitioners

Mr. Arun Beniwal, DAG, Haryana

Mr. Amit Gupta, Advocate, for the complainant

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioners under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 614 dated 2.7.2020, registered under Sections 148, 149, 323, 506, 307 IPC and Section 25 of Arms Act, 1959 (Section 325 IPC added later on), at Police Station City Jagadhri, District Yamuna Nagar.

It is submitted by the counsel for the petitioners that the case against the petitioners is totally baseless. Even as per the case of the prosecution, the injuries attributed to the petitioners are the iron rod blow on the hand of the complainant, for which offence under Section 325 IPC has been invoked. However, the offence under Section 325 IPC is bailable in nature. The petitioners have not been attributed any injury inviting Section 307 IPC.

The investigation of the case is complete. The petitioners are in custody for the

last about three months. They are not required for any investigation purposes.

Hence, the petitioners deserve to be released on bail.

On the other hand, the counsel for the State, being instructed by SI Satish and being assisted by the counsel for the complainant, submits that the names of the petitioners are specifically mentioned in the FIR. There are specific injuries attributed to the petitioners. However, it is not disputed that none of the petitioners is attributed the injury inviting Section 307 IPC. Although the counsel for the State has pointed out that there are two more cases against the petitioners, however, the counsel for the petitioners has submitted that the petitioners are on bail in all other cases except the present one.

In view the above, but without commenting any further on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail pending trial subject to their furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

12.10.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No